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Stephen A. Slusher, Reg. No. 43,924

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: GEORGE R. SCHWARTZ

Filed: June 27, 2001

Serial No.: 09/895,623

For: APPARATUS FOR RAPID COOLING OF
THE BRAIN AND METHOD OF
PERFORMING SAME

Group Art Unit: Unknown

Examiner: Unknown

REQUEST FOR REFUND UNDER 37 CFR § 1.26

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The below-signed respectfully requests a refund of \$40.00 for in the above-referenced reissue patent application. Applicant committed an error in the Reissue Application Fee Transmittal Form by listing four independent claims when the application actually has five independent claims. The Patent Office charged Applicant's Attorneys' Deposit Account No. 13-4213 in the amount of \$80.00 for the independent claim that was not paid for by check transmitted with the application. However, Applicant is a Small Entity, and as such, the fee for one additional independent claim is \$40.00, not \$80.00. Therefore, the Patent Office charged Deposit Account No. 13-4213 incorrectly. Copies of the cancelled check, Reissue Application Fee, and Deposit Account Statement are attached.

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Please credit our Deposit Account No. 13-4213 in the amount of \$40.00. A duplicate of this Request is provided for accounting purposes.

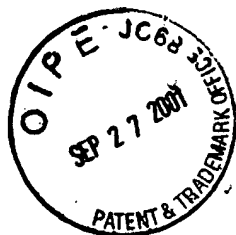
Respectfully submitted,

Dated: 24 Sept 2001

By:


Stephen A. Slusher, Reg. No. 43,924
Direct line: (505) 998-6130

Attorneys for Applicant
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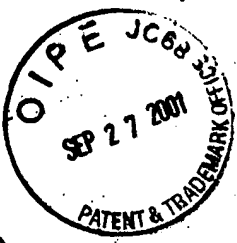
Deposit Account Statement

Requested Statement Month: August 2001
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 Name: PEACOCK MYERS AND ADAMS, P.C.
 Attention: DEBORAH A. PEACOCK
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DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
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REISSUE APPLICATION FEE TRANSMITTAL FORM

Docket Number (Optional)
41145-1001

Claims as Filed - Part 1								
Claims in Patent		Number Filed in Reissue Application	(3) Number Extra	Small Entity		Other than a Small Entity		
				Rate	Fee	Rate	Fee	
(A) 5	Total Claims (37 CFR 1.16(i))	(B)	**** =	x \$ 9 =		or	x \$ =	
(C) 2	Independent claims (37 CFR 1.16(ii))	(D)	• =	x \$ 40 =			x \$ =	
Basic Fee (37 CFR 1.16(h))						\$		\$
Total Filing Fee						\$	OR	\$


Claims as Amended - Part 2								
	(1) Claims Remaining After Amendment		(2) Highest Number Previously Paid For	(3) Extra Claims Present	Small Entity		Other than a Small Entity	
					Rate	Fee	Rate	Fee
Total Claims (37 CFR 1.16(i))	*** 14	MINUS	** 20	* =	x \$ 9 =		x \$ =	
Independent Claims (37 CFR 1.16(ii))	*** 4	MINUS	***** 3	=	x \$ 40 =	40	x \$ =	
Total Additional Fee						\$395	OR	\$

- * If the entry in (D) is less than the entry in (C), Write "0" in column 3.
- ** If the "Highest Number of Total Claims Previously Paid For" is less than 20, Write "20" in this space.
- *** After any cancellation of claims.
- **** If "A" is greater than 20, use (B - A); if "A" is 20 or less, use (B - 20).
- ***** "Highest Number of Independent Claims Previously Paid For" or Number of Independent Claims in Patent (C).

- ☒ Applicant claims small entity status. See 37 CFR 1.27.
- ☐ Please charge Deposit Account No. _____ in the amount of _____.
A duplicate copy of this sheet is enclosed.
- ☒ The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 or 1.17 which may be required, or credit any overpayment to Deposit Account No. 13-4213.
A duplicate copy of this sheet is enclosed.
- ☒ A check in the amount of \$ 395.00 to cover the filing / additional fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

June 27, 2001
Date


Signature of Applicant, Attorney or Agent of Record
Stephen A. Slusher, 43,924
Typed or printed name